

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1, 3 and 16 have been amended. Claim 2 has been canceled and the limitations of that claim added to claim 1. Claim 16 has been amended to clarify the limitation directed to control of power to the heating element. No new matter has been added.

Claims 1-25 were rejected under 35 USC §103(a) as being unpatentable over Christopher (US 6,037,571) in view of Hopponen (US 6,437,291) and further in view of Mayeur (US 4,641,015). Applicants respectfully traverse this rejection.

Claims 1-16

Christopher discloses a dual power source electric grill. The grill uses both AC power and DC power sources concurrently to provide maximum heat output. The grill includes a first heating element powered by the DC power source and a second heating element powered by the AC power source. The DC and AC heating elements heat a single cooking surface and are separately controlled to be turned on an off in any combination (e.g., both the DC and AC heating elements "on" at the same time, or one element "on" and the other element "off"). The core of the invention disclosed in the Christopher reference is to use two different power sources, wherein the power sources are different types of power source, for heating a single cooking surface.

Christopher fails to disclose or suggest an electric cooking assembly that includes "a single power source coupled to the first and second heating elements," as required by claim 1, or a "cooking apparatus including a . . . single power source" as required by claim 16. Christopher also fails to disclose or suggest a single power source for use with first and second heating elements, "wherein either the first or the second electric heating element receives power for operation at a given time," as required by claim 1, or "delivering current flow from the single power source to either one of the first heating element or the second heating element at a given time," as required by claim 16.

Hopponen fails to remedy the deficiencies of Christopher as it relates to claims 1 and 16. Hopponen discloses a grill plate 20 having a hot plate cooking surface 25 for frying and a set of

racks 27 for grilling/barbecuing. The entire plate 20 is heated by a single heating element that is either "built-in" as resistance coils 67 or is positioned in close proximity to the plate 20. When configured as a rotisserie, the grill plate 20 and its related heating element is removed and a separate set of heating elements (heating rods 90) are provided across the back plate 15. Hopponen fails to disclose or suggest separate heating elements for use with the cooking surface 25 and racks 27 of the grill plate 20. Further, Hopponen fails to disclose or suggest a single power source that provides power to one or the other of two different heating elements.

Mayeur fails to remedy the deficiencies of Christopher and Hopponen as they relate to claims 1 and 16. Mayeur discloses a portable cooking appliance having two different heating elements 5, 14 that are powered by a single power source. Power for the heating elements 5, 14 is controlled by a switch 16 that includes push-buttons 17, 18. When the push-button 17 is activated, power is directed only to the heating element 5. When the push-button 18 is activated, power is directed simultaneously to both heating elements 5, 14. Mayeur fails to disclose or suggest a configuration in which power can be directed to either one of the heating elements 5, 14 at a given time. Thus, although Mayeur discloses a single power source for use with two different heating elements, Mayeur fails to disclose or suggest "wherein either the first or the second electric heating element receives power for operation at a given time," as required by claim 1, or "delivering current flow from the single power source to either one of the first heating element or the second heating element at a given time," as required by claim 16.

An advantage of the configuration of claims 1 and 16 is being able to direct power from the single power source to one or the other of the heating elements at a given time. This provides for maximum power to one or the other of the heating elements, which results in maximum heating of the heating surface associated with that heating element (e.g., a grill surface or a searing plate surface). Neither Christopher, Hopponen, nor Mayeur disclose or suggest such a heating system configuration. Therefore, Applicants submit that claims 1 and 16 and the claims that depend from them are allowable over the cited references.

Furthermore, the use of a single power source with the Christopher reference would render the invention of Christopher useless. The entire Christopher reference (the Abstract, Summary, Figures, Description, and claims) all emphasize that the invention is a "dual power"

electric grill, wherein the combination of the power sources for a single heating element can result in increased heat output. If the Christopher device were modified as suggested by the Examiner to include a single power source, all advantages set forth in the Christopher reference would be completely null and void. Therefore, the combination of Christopher with the single power source teachings of Mayeur is impermissible.

Claims 17-25

Claims 17 and 20 require that a first hood member, together with a base member, define an enclosed cooking area. A second hood member is positioned within the cooking area and is adjustable between an open position, wherein the cooking surface is accessible and a closed position wherein the second hood member covers the cooking surface. Claim 22 requires a first hood member and a base member that define a cooking area, and "a second hood member positioned within the cooking area . . . and configured for adjustment between an open position providing access to the cooking surface when the first hood member is in an opened position, and a closed position covering at least a portion of the cooking surface, wherein the first hood member encloses the cooking surface and the second hood member when in the closed position."

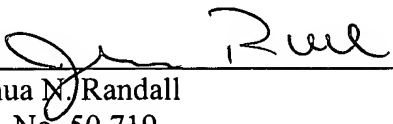
Christopher discloses a single hood member 18 that in combination with a frame 13 of the grill provide an enclosed cooking area in which a cooking rack 70 is positioned. Hopponen discloses a cover 14 having outer and inner cover members 16, 17 that together with a housing 12 define a cooking area in which a grill plate 20 or rotisserie assembly is positioned. Hopponen and Christopher fail to disclose or suggest a separate hood member positioned within the cooking area and operable between open and closed positions to provide access to a cooking surface. Therefore, Christopher and Hopponen fail to disclose or suggest every limitation of claims 17, 20 and 22, and the claims that depend from them.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants' attorney listed below at 612.371.5387.

Respectfully submitted,

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